

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

EAGLE PIPE, LLC,¹

Debtor.

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Chapter 11

Case No. 20-34879 (MI)

**DEBTOR'S EMERGENCY MOTION FOR ORDER EXTENDING TIME TO FILE
SCHEDULES OF ASSETS AND LIABILITIES, SCHEDULES OF EXECUTORY
CONTRACTS AND UNEXPIRED LEASES, AND
STATEMENT OF FINANCIAL AFFAIRS**

EMERGENCY RELIEF HAS BEEN REQUESTED. AN ELECTRONIC HEARING WILL BE CONDUCTED ON THIS MATTER ON OCTOBER 7, 2020 AT 3:00 P.M. (CENTRAL TIME). IF YOU OBJECT TO THE RELIEF REQUESTED OR YOU BELIEVE THAT EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU MUST EITHER APPEAR AT THE HEARING OR FILE A WRITTEN RESPONSE PRIOR TO THE HEARING. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

ELECTRONIC HEARING PROTOCOL:

PLEASE NOTE THAT ON MARCH 24, 2020, THROUGH THE ENTRY OF GENERAL ORDER 2020-10, THE COURT INVOKED THE PROTOCOL FOR EMERGENCY PUBLIC HEALTH OR SAFETY CONDITIONS.

IT IS ANTICIPATED THAT ALL PERSONS WILL APPEAR TELEPHONICALLY AND ALSO MAY APPEAR VIA VIDEO AT THIS HEARING.

AUDIO COMMUNICATION WILL BE BY USE OF THE COURT'S REGULAR DIAL-IN NUMBER. THE DIAL-IN NUMBER IS +1 (832) 917-1510. YOU WILL BE RESPONSIBLE FOR YOUR OWN LONG-DISTANCE CHARGES. YOU WILL BE ASKED TO KEY IN THE CONFERENCE ROOM NUMBER. JUDGE ISGUR'S CONFERENCE ROOM NUMBER IS 954554.

YOU MAY VIEW VIDEO VIA GOTOMEETING. TO USE GOTOMEETING, THE COURT RECOMMENDS THAT YOU DOWNLOAD THE FREE GOTOMEETING APPLICATION. TO CONNECT, YOU SHOULD ENTER THE MEETING CODE "JUDGEISGUR" IN THE GOTOMEETING APP OR CLICK THE LINK ON JUDGE ISGUR'S HOME PAGE ON THE SOUTHERN DISTRICT OF TEXAS WEBSITE. ONCE CONNECTED, CLICK THE SETTINGS ICON IN THE UPPER RIGHT CORNER AND ENTER YOUR NAME UNDER THE PERSONAL INFORMATION SETTING.

HEARING APPEARANCES SHOULD BE MADE ELECTONICALLY AND IN ADVANCE OF THE HEARING. YOU MAY MAKE YOUR ELECTRONIC APPEARANCE BY:

- (1) GOING TO THE SOUTHERN DISTRICT OF TEXAS WEBSITE;**
- (2) SELECTING "BANKRUPTCY COURT" FROM THE TOP MENU;**
- (3) SELECTING "JUDGES' PROCEDURES;"**

¹ The last four digits of Debtor's federal tax identification number are (1119).

- (4) SELECTING “VIEW HOMEPAGE” FOR JUDGE ISGUR;
- (5) UNDER “ELECTRONIC APPEARANCE” SELECT “CLICK HERE TO SUBMIT ELECTRONIC APPEARANCE;”
- (6) SELECT “EAGLE PIPE, LLC” FROM THE LIST OF ELECTRONIC APPEARANCE LINKS; AND
- (7) AFTER SELECTING EAGLE PIPE, LLC FROM THE LIST, COMPLETE THE REQUIRED FIELDS AND CLICK THE “SUBMIT” BUTTON AT THE BOTTOM OF THE PAGE.
- REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

Eagle Pipe, LLC, the above-captioned debtor and debtor in possession (the “Debtor”), for its *Emergency Motion for Order Extending Time to File Schedules of Assets and Liabilities, Schedules of Executory Contracts and Unexpired Leases, and Statement of Financial Affairs* (the “Motion”), respectfully represents:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §1334, and it is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The bases for the relief requested herein are 105(a) and 521 of title 11 of the United States Code (the “Bankruptcy Code”), Rules 1007(c), 9006(b), and 6003 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the “Bankruptcy Local Rules”).

RELIEF REQUESTED

4. By this Motion, the Debtor requests an extension of the deadline to file its schedules of assets and liabilities, schedules of executory and unexpired leases, and statements of financial affairs (collectively, the “Schedules and Statements”).
5. The Debtor seeks entry of an order (the “Order”), substantially in the form attached hereto as **Exhibit A**, extending the deadline by which the Debtor must file its Schedules and

Statements by approximately sixteen (16) days through and including November 4, 2020, for a total of thirty (30) days from the Petition Date, without prejudice to the Debtor's ability to request additional extension for cause shown.

PROCEDURAL HISTORY

6. On October 5, 2020 (the "Petition Date"), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code.

7. Pursuant to sections 1107 and 1108 of the Bankruptcy Code, the Debtor remain in possession of its property and is managing its business as a debtor in possession. No trustee, examiner, or official committee has been appointed.

8. A detailed description of the Debtor and its business, and the facts and circumstances supporting the Debtor's chapter 11 case, is set forth in greater detail in the *Declaration of Jared Light in Support of Chapter 11 Petition and First Day Motions*, filed in conjunction herewith.

ARGUMENT AND AUTHORITIES

9. The requirements of section 521 of the Bankruptcy Code and Bankruptcy Rule 1007(c) normally require debtors to file their schedules of assets and liabilities, schedules of executory contracts and unexpired leases, and statements of financial affairs within 14 days after the petition date. Thus, the deadline for filing the Debtor's Schedules and Statements is October 19, 2020. Pursuant to Bankruptcy Rule 1007(c) and 9006(b), the Court has authority to extend the time requirement for filing the Schedules and Statements "for cause." Fed. R. Bankr. P. 1007(c) and 9006(b).

10. Here, good and sufficient cause exists for granting an extension of time to file the Schedules and Statements. The Debtor has begun diligently working to investigate, compile, and prepare the information necessary to complete the Schedules and Statements. The challenging

circumstances of COVID – 19 further complicates the timeline for completing the Schedules and Statements.

11. Additionally, the Debtor is still operating its business and has ongoing responsibilities for managing the business. Granting the Debtor additional time to collect the data needed to prepare and file the Schedules and Statements will greatly enhance its accuracy, while allowing the Debtor to simultaneously focus its attention on other high priority matters in the early stages of this case.

12. Although the Debtor has commenced the process that will enable it to prepare and finalize its Schedules and Statements, the Debtor anticipates that it may require at least 16 additional days to complete the Schedules and Statements. The Debtor therefore requests that the Court extend the deadline to file its Schedules and Statements by sixteen (16) days to November 4, 2020, for a total of thirty (30) days from the Petition Date, without prejudice to the Debtor's right to request further extensions for cause shown.

13. Further, courts in this district have granted similar relief requested herein in a number of cases. *See, e.g., In re Vanguard Nat'l Res., LLC*, No. 17-30560 (MI) (Bankr. S.D. Tex. Feb. 2, 2017) [Docket No. 66] (granting 42-day extension); *In re Memorial Production Partners LP*, No. 17-30262 (MI) (Bankr. S.D. Tex. Jan. 17, 2017) [Docket No. 62] (granting 45-day extension); *In re Shoreline Energy, LLC*, No. 16-35571 (DRJ) [Docket No. 37] (Bankr. S.D. Tex. Nov. 4, 2016) (granting 45-day extension); *In re Sandridge Energy, Inc.*, No. 16-32488 (DRJ) [Docket No. 85] (Bankr. S.D. Tex. May 18, 2016) (granting 30-day extension); *In re Linn Energy, LLC*, No. 16-60040 (DRJ) [Docket No. 86] (Bankr. S.D. Tex. May 13, 2016) (granting 47-day extension); *In re Ultra Petrol. Corp.*, No. 16-32202 (MI) [Docket No. 70] (Bankr. S.D. Tex. May 3, 2016) (granting 26-day extension); *In re Midstates Petrol. Co.*, No. 16-32237 (Bankr. S.D. Tex.

May 2, 2016) [Docket No. 71] (granting 23-day extension); *In re Sherwin Alumina Co.*, No. 16-20012 (DRJ) [Docket No. 80] (Bankr. S.D. Tex. Jan. 13, 2016) (granting 14-day extension); *In re BPZ Res., Inc.*, No. 15-60016 (DRJ) [Docket No. 29] (Bankr. S.D. Tex. Mar. 10, 2015) (granting 30-day extension).

EMERGENCY CONSIDERATION

14. In accordance with Bankruptcy Local Rule 9013-1, the Debtor respectfully requests emergency consideration of this Motion pursuant to Bankruptcy Rule 6003, which empowers a court to grant relief within the first 21 days after the commencement of a chapter 11 case “to the extent that relief is necessary to avoid immediate and irreparable harm.” Here, the deadline for the Debtor to file its Schedules and Statements is Monday, October 19, 2020. The Debtor is working diligently to produce the Schedules and Statements expeditiously, but will be unable to file the Schedules and Statements by that date. The Debtor believes additional time is needed to file the Schedules both completely and accurately. Failure to grant the Motion would disrupt the Debtor’s ability to accurately report to both the Court and its creditors at this critical juncture. Accordingly, the Debtor submits that it has satisfied the “immediate and irreparable harm” standard of Bankruptcy Rule 6003 and, therefore, respectfully requests that the Court approve the relief requested in this Motion on an emergency basis.

NOTICE

15. The Debtor will provide notice of this Motion to: (a) the Office of the United States Trustee for the Southern District of Texas; (b) counsel to U.S. Bank N.A., as administrative agent under the Debtor’s credit agreement; (c) the holders of the 30 largest unsecured claims against the Debtor; and (d) any party that has requested notice pursuant to Bankruptcy Rule 2002.

NO PRIOR REQUEST

16. No prior request for the relief sought in this Motion has been made to this or any other court.

CONCLUSION

WHEREFORE, the Debtor respectfully requests that the Court enter an Order (i) granting the Motion; (ii) extending the deadline for the Debtor to file its Schedules and Statements to November 4, 2020; and (iii) granting such other and further relief as the Court deems proper.

Respectfully submitted this 5th day of October, 2020.

GRAY REED

By: /s/ Paul D. Moak

Paul D. Moak

Texas Bar No. 00794316

Aaron M. Kaufman

Texas Bar No. 24060067

Lydia R. Webb

Texas Bar No. 24083758

1300 Post Oak Blvd., Suite 2000

Houston, Texas 77056

Telephone: (713) 986-7000

Facsimile: (713) 986-7100

Email: pmoak@grayreed.com
akaufman@grayreed.com
lwebb@grayreed.com

PROPOSED COUNSEL TO THE DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 5, 2020 a true and correct copy of the foregoing pleading was served via CM/ECF to all parties authorized to receive electronic notice in this case.

/s/ Paul D. Moak

Paul D. Moak